

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.)
d/b/a BOSTON HARLEY-DAVIDSON/BUELL,)
)
Plaintiff,)
)
v.)
)
HARLEY-DAVIDSON MOTOR COMPANY, INC.	CIVIL ACTION
and BUELL DISTRIBUTION COMPANY, LLC,	NO. 04 11402 NMG
)
Defendants.)
)

JOINT STATEMENT

Pursuant to Local Rule 16.1(D), Plaintiff Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell (“Cycle-Craft”) and Defendants Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC, (collectively “Harley-Davidson”) submit this Joint Statement.

I. Discovery Plan and Schedule of Motions

A. Schedule

09/08/04	Parties meet and confer
09/22/04	Initial disclosures served
09/24/04	Joint statement filed
09/30/04	Scheduling conference
10/29/04	Joinder of parties and amendment of pleadings filed
	Initial requests for admissions, interrogatories and document requests served
03/31/05	Completion of fact discovery including lay depositions

04/08/05	Initial Expert Disclosures
05/06/05	Responsive Expert Disclosures
05/31/05	Completion of expert discovery including expert depositions
06/15/05	Summary judgment motions filed
	Pretrial conference to be determined

B. Parties agree that this case warrants exceeding the presumptive limitation of ten depositions per side provided for in Local Rule 26.1(C) and request that this Court relieve the parties from such limitation. Parties reserve right to seek relief under Fed. R. Civ. P. 26(c) if they believe opposing party has noticed depositions that are unreasonable or excessive.

C. Parties agree that trial need not be held within 120 days of expiration of the 60 day notice of termination period, pursuant to Mass. Gen Laws ch. 93B, § 5(f).

D. Parties do not consent to trial before Magistrate Judge.

II. Certifications

A. Plaintiff's certification is attached at Tab A.

B. Defendant's certification is attached at Tab B.

III. Disputed Items

Parties disagree as to the schedule for expert disclosures.

Cycle-Craft's position is that the party with the burden of proof on an issue should disclose any expected expert testimony on that issue by the date for "Initial Expert Disclosures," April 8, 2005, and that any "Responsive Expert Disclosures" be due one month later, May 6, 2005.

Harley-Davidson's position is that both parties should submit their expert disclosures on the date for "Initial Expert Disclosures," April 8, 2005, regardless of which party has the burden

of proof on an issue. Any "Responsive Expert Disclosures" should be due one month later, May 6, 2005.

**Cycle-Craft Co., Inc. d/b/a
Boston Harley-Davidson/Buell**

By their attorneys,

/s/ Daniel P. Haley

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**Harley-Davidson Motor Company, Inc.,
and Buell Distribution Company, LLC**

By their attorneys,

/s/ Sabita Singh

William N. Berkowitz, BBO#544148
Sabita Singh, BBO#560146
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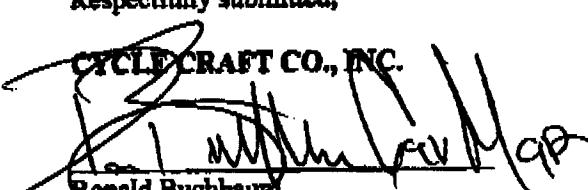
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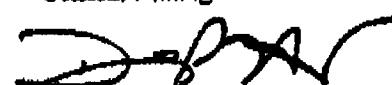
PLAINTIFF'S LOCAL RULE 16.1 CERTIFICATION

Plaintiff Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell ("Cycle-Craft") hereby certifies that it has conferred with counsel in accordance with the requirements of Local Rule 16.1(D)(3).

Respectfully submitted,


CYCLECRAFT CO., INC.

Ronald Buchbauer
General Manager

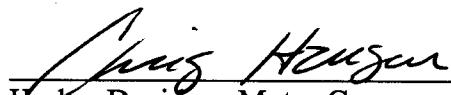

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Dated: September 24, 2004

B

LOCAL RULE 16.1(D)(3) CERTIFICATION

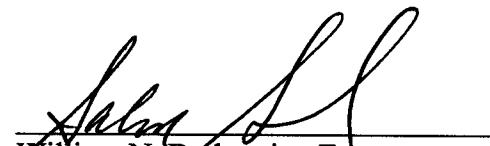
We affirm that Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC, through their authorized representative Chris Hansen, have conferred with their counsel with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation. We have also considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.



Chris Hansen

Harley-Davidson Motor Company, Inc.
and Buell Distribution Company, LLC

By Chris Hansen, Esq.
Legal Counsel



William N. Berkowitz, Esq.
Sabita Singh, Esq.

Counsel for Harley-Davidson Motor Company, Inc.
and Buell Distribution Company, LLC